UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

APR 22 2010

Certified Mail No. 7007 0710 0003 6239 8427
Return Receipt Requested

Diana C. Messina
Supervising Engineer
NPDES/WDR Permit Writing Section
Central Valley Water Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

Re: Tentative Order/Draft NPDES Permit for Olivehurst Public Utility District Wastewater Treatment Facility (NPDES Permit No. CA0077836)

Dear Ms. Messina:

Thank you for the opportunity to review and comment on the tentative order/draft permit (NPDES Permit No. CA0077836) for the discharge from Olivehurst Public Utility District Wastewater Treatment Facility to the Western Pacific Interceptor Drainage Canal, which was public noticed on March 26, 2010. We have concerns about the draft permit that need to be addressed to ensure the permit effectively protects water quality and complies with NPDES requirements. Our comments on the draft permit focus primarily on the compliance schedule for ammonia, the pretreatment and biosolids requirements, and including receiving water monitoring for fecal coliform and turbidity.

A. Compliance Schedule for Ammonia

It appears that inclusion of the compliance schedule for ammonia in the tentative order/draft permit is not consistent with the requirements of the State's compliance schedule policy, State Water Resources Control Board Resolution No. 2008-0025. Resolution No. 2008-0025 states "compliance schedules for NPDES permits only be granted when the discharger must implement actions to comply with a more stringent permit limitation, such as designing and constructing facilities or implementing new or significantly expanded programs and securing financing, if necessary, to comply with permit limitations implementing new, revised, or newly interpreted water quality objectives or criteria in water quality standards." The Resolution defines a "newly interpreted water quality objective or criterion in a water quality standard" to mean "a narrative water quality objective or criterion that, when interpreted during NPDES permit development (using appropriate scientific information and consistent with state and federal law) to determine the permit limitations necessary to implement the objective,

result in a numeric permit limitation more stringent than the limit in the prior NPDES permit issued to the discharger."

Table F-2 of the fact sheet shows the previous permit contained floating limits for ammonia. The draft permit bases the proposed average monthly and maximum daily ammonia effluent limits on the Basin Plan's narrative toxicity criterion; however, the specific proposed limits appear to be more stringent or less stringent than the limits applied under the previous permit, depending on specific pH and temperature. The fact sheet states the maximum concentrations of ammonia in the effluent are greater than the proposed final water quality-based effluent limits and therefore, a compliance schedule is included in the tentative order to allow the discharger to address the ammonia concentrations. The fact sheet does not address how the compliance schedule meets the State's compliance schedule policy.

The Regional Board should not include a compliance schedule for ammonia in the tentative order/draft permit unless it can show it is consistent with the State's compliance schedule policy. If the Regional Board finds the compliance schedule is consistent with the State's compliance schedule policy, the interim effluent limitations should either be fixed or seasonal, rather than floating, based on State Water Resources Control Board WQO 2004-0013.

B. Pretreatment Requirements

The Regional Board should re-evaluate whether the discharger should develop a pretreatment program based on the presence of significant industrial users discharging to the facility, including those subject to EPA's categorical pretreatment standards. The Regional Board should not base the requirement to develop a pretreatment program solely on the 5.0 MGD flow criterion.

If the Regional Board finds the discharger must develop a pretreatment program, the Regional Board should update the tentative order/draft permit and monitoring and reporting program with the most current pretreatment program development requirements. These requirements are different than the requirements for an established pretreatment program and can be found at:

http://www.epa.gov/region09/water/pretreatment/files/pretreatment_program_development_conditions.pdf

The Regional Board should include the following reporting address:

Regional Pretreatment Coordinator
CWA Compliance Office (WTR-7)
U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105-3901

Lastly, the Regional Board should require both influent and effluent annual priority pollutant scans to assess the developed pretreatment program.

C. Biosolids Requirements

The Regional Board should update the tentative order/draft permit and monitoring and reporting program with the most current biosolids requirements, including the correct reporting address. The latest biosolids requirements are enclosed as Attachment A. These requirements should also replace the biosolids requirements in the Regional Board's permit template.

D. Fecal Coliform and Turbidity Receiving Water Monitoring

The Regional Board should include receiving water monitoring requirements for fecal coliform and turbidity in the monitoring and reporting program to determine compliance with the receiving water limitations for fecal coliform and turbidity in the tentative order/draft permit.

E. Other Clarifications

1. The Regional Board should modify the chronic whole effluent toxicity and accelerated testing requirements in pages 21 through 23 of the tentative order/draft permit to exclude the words "a pattern of," as this is subjective.
2. The Regional Board should clarify the language at the top of page 7, which states: "This Order does not include compliance schedules and interim effluent limitations;" The tentative order/permit does include a compliance schedule and interim limits for ammonia. As explained above, it is unclear whether the proposed compliance schedule for ammonia is appropriate.

We appreciate the opportunity to provide input on the tentative order/draft permit. If you would like to discuss these comments, please contact Elizabeth Sablad of my staff at (415) 972-3044.

Sincerely,

David Smith, Manager
NPDES Permits Office (WTR-5)

Attachment A: Biosolids Requirements

(Note: "Biosolids" refers to non-hazardous sewage sludge, as defined at 40 CFR 503.9. Sewage sludge that is hazardous, as defined at 40 CFR 261, must be disposed of in accordance with the RCRA.)

i. General Requirements

(a) All biosolids generated by the Discharger shall be used or disposed of in compliance with applicable portions of: 40 CFR 503—for biosolids that are land applied, placed in a surface disposal site (dedicated land disposal site, monofill, or sludge-only parcel at a municipal landfill), or incinerated; 40 CFR 258—for biosolids disposed of in a municipal solid waste landfill (with other materials); and 40 CFR 257—for all biosolids use and disposal practices not covered under 40 CFR 258 or 503.

40 CFR 503, Subpart B (land application), sets forth requirements for biosolids that are applied for the purpose of enhancing plant growth or for land reclamation. 40 CFR 503, Subpart C (surface disposal), sets forth requirements for biosolids that are placed on land for the purpose of disposal.

The Discharger is responsible for assuring that all biosolids produced at its facility are used or disposed of in accordance with these rules, whether the Discharger uses or disposes of the biosolids itself, or transfers their biosolids to another party for further treatment, use, or disposal. The Discharger is responsible for informing subsequent preparers, appliers, and disposers of requirements they must meet under these rules.

(b) Duty to Mitigate: The Discharger shall take all reasonable steps to prevent or minimize any biosolids use or disposal which has a likelihood of adversely affecting human health or the environment.

(c) No biosolids shall be allowed to enter wetlands or other waters of the United States.

(d) Biosolids treatment, storage, use, or disposal shall not contaminate groundwater.

(e) Biosolids treatment, storage, use, or disposal shall not create a nuisance such as objectionable odors or flies.

(f) The Discharger shall assure that haulers transporting biosolids offsite for treatment, storage, use, or disposal take all necessary measures to keep the biosolids contained. Trucks hauling biosolids that are not Class A, as defined at 40 CFR 503.32(a), shall be cleaned as necessary after loading and after unloading, so as to have no biosolids on the exterior of the truck or wheels. Trucks hauling biosolids that are not Class A shall be tarped. All haulers must have spill clean-up procedures. Trucks hauling biosolids that are not Class A shall not be used for hauling food or feed crops after unloading the biosolids unless the Discharger submits a hauling description, to be approved by USEPA, describing how trucks will be thoroughly cleaned prior to adding food or feed.

(g) If biosolids are stored for over two years from the time they are generated, the Discharger must ensure compliance with all requirements for surface disposal under 40 CFR 503, Subpart C, or must submit a written notification to USEPA and the State with the information specified under 40 CFR 503.20(b), demonstrating the need for longer temporary storage. During storage of any length for non-Class A biosolids,

whether on the facility site or off-site, adequate procedures must be taken to restrict access by the public and domestic animals.
(h) Any biosolids treatment, disposal, or storage site shall have facilities adequate to divert surface runoff from adjacent areas, to protect the site boundaries from erosion, and to prevent any conditions that would cause drainage from the materials to escape from the site. Adequate protection is defined as protection from at least a 100-year storm and the highest tidal stage which may occur.
(i) There shall be adequate screening at the plant headworks and/or at the biosolids treatment units to ensure that all pieces of metal, plastic, glass, and other inert objects with a diameter greater than 3/8 inches are removed.

ii. Inspection and Entry
The USEPA, State, or an authorized representative thereof, upon the presentation of credentials, shall be allowed by the Discharger directly, or through contractual arrangements with their biosolids management contractors, to:
(a) Enter upon all premises where biosolids produced by the Discharger are treated, stored, used, or disposed of, by either the Discharger or another party to whom the Discharger transfers biosolids for further treatment, storage, use, or disposal.
(b) Have access to and copy any records that must be kept by either the Discharger or another party to whom the Discharger transfers biosolids for further treatment, storage, use, or disposal, under the conditions of this permit or 40 CFR 503.
(c) Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations used in biosolids treatment, storage, use, or disposal by either the Discharger or another party to whom the Discharger transfers biosolids for further treatment, storage, use, or disposal.

iii. Monitoring
(a) Biosolids shall be monitored for the following constituents, at the frequency stipulated in Table 1 of 40 CFR 503.16: arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium, zinc, organic nitrogen, ammonia nitrogen, and total solids. If biosolids are removed for use or disposal on a routine basis, sampling should be scheduled at regular intervals throughout the year. If biosolids are stored for an extended period prior to use or disposal, sampling may occur at regular intervals, or samples of the accumulated stockpile may be collected prior to use or disposal, corresponding to the tons accumulated in the stockpile over that period.

Monitoring shall be conducted using the methods in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846), or as otherwise required under 40 CFR 503.8(b). All results must be reported on a 100% dry weight basis and records of all analyses must state on each page of the analytical results whether the reported results are expressed on an "as-is" or a "100% dry weight" basis.

(b) The Discharger shall sample biosolids twice per year for the pollutants listed under CWA Section 307(a), using best practicable detection limits.

iv. Pathogen and Vector Control
(a) Prior to land application, the permittee shall demonstrate that biosolids meet Class A or Class B pathogen reduction levels by one of the methods listed under 40 CFR 503.32.

(b) Prior to disposal in a surface disposal site, the Discharger shall demonstrate that biosolids meet Class B pathogen reduction levels, or ensure that the site is covered at the end of each operating day. If pathogen reduction is demonstrated using a "Process to Further Reduce Pathogens" or one of the "Processes to Significantly Reduce Pathogens", the Discharger shall maintain daily records of the operating parameters used to achieve this reduction. If pathogen reduction is demonstrated by testing for fecal coliform and/or pathogens, samples must be collected at the frequency specified in Table 1 of 40 CFR 503.16. If Class B is demonstrated using fecal coliform, at least seven grab samples must be collected during each monitoring period and a geometric mean calculated from these samples. The following holding times between sample collection and analysis shall not be exceeded: fecal coliform—24 hours when cooled to 4 degrees C; Salmonella spp. bacteria—24 hours when cooled to 4 degrees C; enteric viruses—2 weeks when frozen; helminth ova—one month when cooled to 4 degrees C.
(c) For biosolids that are land applied or placed in a surface disposal site, the Discharger shall track and keep records of the operational parameters used to achieve the Vector Attraction Reduction requirements under 40 CFR 503.33(b).

v. Surface Disposal
If biosolids are placed in a surface disposal site (dedicated land disposal site or monofill), a qualified groundwater scientist shall develop a groundwater monitoring program for the site, or shall certify that the placement of biosolids on the site will not contaminate an aquifer.

vi. Landfill Disposal
Biosolids placed in a municipal landfill shall be tested by the Paint Filter Test (Method 9095) at the frequency specified in Table 1 of 40 CFR 503.16, or more often if necessary to demonstrate that there are no free liquids.

vii. Notifications
The Discharger, either directly or through contractual arrangements with their biosolids management contractors, shall comply with the following notification requirements.
(a) Notification of Non-compliance
The Discharger shall notify USEPA and the State (for both Discharger and use or disposal site) of any non-compliance within 24 hours, if the non-compliance may seriously endanger health or the environment. For other instances of non-compliance, the Discharger shall notify USEPA and the State of the non-compliance in writing within 5 working days of becoming aware of the noncompliance. The Discharger shall require their biosolids management contractors to notify USEPA and the State of any noncompliance within these same time-frames.
(b) Interstate Notification
If biosolids are shipped to another State or Tribal Land, the Discharger shall send 60 days prior notice of the shipment to the permitting authorities in the receiving State or Tribal Land, and the USEPA Regional Office.
(c) Land Application Notification
Prior to using any biosolids from this facility (other than composted biosolids) at a new or previously unreported site, the permittee shall notify USEPA and the State.

This notification shall include a description and topographic map of the proposed site(s), names and addresses of the applier and site owner, and a listing of any State or local permits which must be obtained. It shall also include a description of the crops or vegetation to be grown, proposed loading rates, and a determination of agronomic rates.

Within a given monitoring period, if any biosolids do not meet the applicable metals concentration limits specified under 40 CFR 503.13, then the Discharger (or its contractor) must pre-notify USEPA, and determine the cumulative metals loading at that site to date, as required by 40 CFR 503.12.

The Discharger shall notify the applier of all subject requirements under 40 CFR 503, including the requirement for the applier to certify that management practices, site restrictions, and applicable vector attraction reduction requirements have been met. The Discharger shall require the applier to certify at the end of 38 months, following application of Class B biosolids, that harvesting restrictions in effect for up to 38 months have been met.

(d) Surface Disposal Notification
Prior to disposal at a new or previously unreported site, the Discharger shall notify USEPA and the State. The notice shall include a description and topographic map of the proposed site, depth to groundwater, whether the site is lined or unlined, site operator and site owner, and any State or local permits. It shall also describe procedures for ensuring grazing and public access restrictions for three years following site closure. The notice shall include a groundwater monitoring plan or description of why groundwater monitoring is not required.

viii. Reporting
The Discharger shall submit an annual biosolids report to the USEPA Region 9 Biosolids Coordinator and the State by February 19 of each year for the period covering the previous calendar year. The report shall include:
(a) The amount of biosolids generated that year, in dry metric tons, and the amount accumulated from previous years.
(b) Results of all pollutant monitoring required under Monitoring, above. Results must be reported on a 100% dry weight basis.
(c) Demonstrations of pathogen and vector attraction reduction methods, as required under 40 CFR 503.17 and 503.27, and certifications.
(d) Names, mailing addresses, and street addresses of persons who received biosolids for storage, further treatment, disposal in a municipal landfill, or other use or disposal method not covered above, and volumes delivered to each.
(e) The following information must be submitted by the Discharger, unless the Discharger requires its biosolids management contractors to report this information directly to the EPA Region 9 Biosolids Coordinator. For land application sites:

- Locations of land application sites (with field names and numbers) used that calendar year, size of each field applied to, applier, and site owner.
- Volumes applied to each field (in wet tons and dry metric tons), nitrogen applied, and calculated plant available nitrogen.
- Crops planted, dates of planting and harvesting.

- For biosolids exceeding 40 CFR 503.13 Table 3 metals concentrations, the locations of sites where the biosolids were applied and cumulative metals loading at the sites to date.
- Certifications of management practices at 40 CFR 503.14.
- Certifications of site restrictions at 40 CFR 503(b)(5).

For surface disposal sites:

- Locations of sites, site operator and site owner, size of parcel on which biosolids were disposed.
- Results of any required groundwater monitoring.
- Certifications of management practices at 40 CFR 503.24.

For closed sites, the date of site closure and certifications of management practices for three years following site closure.

(f) All reports shall be submitted to:

Regional Biosolids Coordinator
U.S. Environmental Protection Agency
CWA Compliance Office (WTR-7)
75 Hawthorne Street
San Francisco, CA 94105-3901

<State agency contact and address>